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INTERVIEWING

One of your most important roles as a supervisor or manager is to select the best employees you can find for your jobs. That is not always an easy task. To be successful, you need to uncover information in the interview that is not expressly stated on the resume or application for employment. This includes determining if the applicant's past school performance and/or work experience indicate favorable future performance.

Preparing in advance for the interview will help you make the most of the time you have. Advance preparation includes:

- *Arranging for a suitable interview environment.* This includes arranging the interview so that there will be little chance of interruption whether you are conducting the interview by phone or in person. If conducting it in person, ensure that no desk or table separates you and the interviewee. Remember to conduct the interview in a friendly and relaxed manner to make the candidate feel at ease.
- *Reviewing the candidate's application or resume before the interview.* Be sure to look for sketchy or vague information, time gaps in education or work experience, significant decreases in salary, blanks or omissions, or inconsistent information. These things could signal potential problems. You want to ask questions about such things.
- *Knowing the job that you are filling.* This includes any special employment conditions, organizational procedures, or job requirements (such as shift work, overtime, travel or performance requirements, the need for a security clearance, etc.) so that you will be able to explain these things to the candidates.

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EDITOR'S NOTE

This issue marks our third year of publishing the Employee Relations Bulletin. Thanks to those who have submitted articles and other information in 2005 and those who have helped with the editing. We extend a special thanks to Dixie Simon, a member of the Information Technology Division in Minneapolis, who has again provided design and formatting assistance. And finally, thanks to our readers who have provided feedback and ideas for future articles. The Bulletin is one way that we can connect with our supervisors and managers to make certain that we continue to provide the best possible service in difficult situations. Again, if you would like to email us, the address is ER.Bulletin@aphis.usda.gov.



HAPPY HOLIDAYS!

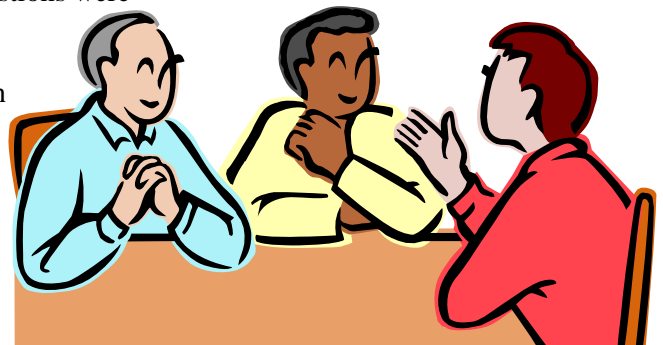


Interviewing (Continued)

- *Preparing your interview questions in advance.* You should ask the same questions of each candidate, even if you personally know one or more of them. You should also ask unique questions.
- *Preparing your interview questions in advance.* You should ask the same questions of each candidate, even if you personally know one or more of them. You should also ask unique questions aimed at clarifying information on a particular candidates' application or resume.
- *Being prepared to take notes.* Your notes will help you recall an applicant's specific responses to the interview questions. Notes will also be helpful if, at a later date, you have to articulate your reasons for selecting or not selecting a particular individual. Don't rely on your memory.

Generally, the first few questions you ask should focus on clarifying any unclear or questionable information on the application or resume. Then you should focus on the knowledge, skills and abilities (KSAs) or PEARS questions included in the vacancy announcement. These KSAs or questions were included in the announcement because your job analysis indicated that they were the most important indicators for successful job performance. If changes are made now, it can lead to problems later in terms of complaints or other concerns.

In addition, it is important to be objective, particularly when interviewing someone you know. Treat that individual the same as any other applicant. Consider the information in their resumes and applications and also what they tell you during the interview.



If the candidate is sounding too good to be true, try using a different strategy to gain a more balanced perspective. For example, you might ask, "Tell me about a situation in which you think you were not very effective in dealing with..."

Once you have identified the top one or two candidates, have those candidates complete the Optional Form 306, <http://www.aphis.usda.gov/mrpb/forms/of/of306.pdf>, and return it to you. If you are conducting a phone interview, fax it to the top candidate(s) to complete.

Read that completed form carefully when the candidate returns it to you, because it can help ensure that there is no adverse information that could preclude the hiring of that individual or the denial of a security clearance, if one is required for the position being filled.

The completed form must also be sent to the office issuing your certificate before a job offer can be made. That office carefully reviews the form as well for any derogatory or adverse information that could preclude hiring. If there is significant adverse information reflected, i.e., convictions, traffic fines over \$300, terminations or removals from previous jobs, etc., your servicing staffing specialist will contact you. Your selectee may also be asked to complete the form again when he/she is actually appointed.

Good luck!! Remember, help is only a phone call away.

WHO YA GONNA CALL?

Assuming you have a conduct or performance problem, the answer to this question is, of course, your servicing employee relations specialist (ERS). The primary role of the ERS is to help supervisors and managers find solutions to conduct and performance problems. The specific functions they perform in carrying out this role are as follows:

- ✓ **Provide advice and guidance regarding specific conduct/performance problems.**
- ✓ **Draft, or help draft, disciplinary letters, leave restriction letters, performance improvement period (PIP) letters, alternative disciplinary agreements (both pre- and post-proposal) and a variety of other documents.**
- ✓ **Provide formal training to supervisors.**
- ✓ **Help supervisors respond to administrative grievances** (responses to negotiated grievances are handled by the agency's labor relations specialists).
- ✓ **Represent the agency in appeal actions before the Merit Systems Protection Board and other third party entities as necessary.**

For more information regarding the roles of supervisors/managers and employee relations specialists in the disciplinary process, see the article entitled "Decisions, Decisions!!" in the **September 2005 Bulletin**.

On some occasions, there may be other persons or staffs that you will need to contact when dealing with performance or conduct issues. Here are a few:

- ❖ **Conflict Resolution.** Each MRP agency has a conflict/alternative dispute resolution program. These programs were designed as alternatives to the traditional methods for dealing with conflict. The AMS Alternative Resolution Program was highlighted in the **September 2003 Bulletin**. The current ADR programs are the *AMS Alternative Resolution Program* (866/227-0328; 202/690-3017), the *APHIS Conflict Prevention and Resolution Program* (301/734-4950), and the *GIPSA Prevention and Resolution Program* (202/720-9528; 202/720-0218).

- ❖ **Workplace Violence.** The MRP workplace violence programs were featured in the **June 2004 Bulletin**. The current workplace violence programs are the *AMS Workplace Violence Prevention Program* (202/720-6766), the *APHIS Workplace Prevention and Response Program* (301/734-3174); and the *GIPSA Prevention and Resolution Program* (202/720-9528; 202/720-0218).
- ❖ **Employee Assistance Program (EAP).** MRP employees are offered a multitude of services through an Employee Assistance Program administered by Federal Occupational Health, a division of the Public Health Service. Employees who have questions regarding the EAP, or are interested in the services provided, should call 800/222-0364 or 888/262-7848 (TTY). Information can also be obtained at <http://www.foh.dhhs.gov>.
- ❖ **Performance Standards.** Questions regarding the development and application of performance standards can be referred to *Craig Lambert* at 202/720-8034 or by email at craig.lambert@aphis.usda.gov.
- ❖ **Leave Issues.** Questions regarding leave and tour of duty issues can be referred to the *Leave and Compensation Section, Human Resources Division*, located in Minneapolis. Human resource specialists assigned to this branch are listed on the MRPBS website for the program(s) that they service. The website is <http://www.aphis.usda.gov/mrpbs>. Once there, click "Human Resources" followed by "Pay, Leave and Tours of Duty."

THE FEAR OF TAKING ACTION

Supervisors and managers often tell us that they hesitate to take action against some employees because they fear grievances, discrimination complaints, and other similar reactions. We recently came upon an article written by Michael Corum that may help supervisors deal with this fear. Mr. Corum is an expert in disciplinary procedures. This particular article was written for LRP Publications, and was reprinted in CyberFEDS, a service that employee relations specialists use to research case law.

Mr. Corum notes that Federal supervisors are often intimidated by employees who use grievances, EEO complaints, whistle-blowing, letters to Congress, and so on to protect themselves against agency action. After all, Federal employees who engage in “protected activities,” which include filing complaints and making allegations of fraud, waste and abuse, are protected by a variety of laws, and supervisors need to be careful that the actions that they take against these employees are not perceived to be reprisal actions – actions that can result in serious sanctions against the supervisor. Here is Mr. Corum’s description of the quandary that supervisors face:

“So the supervisor turns to HR with the classic dilemma: Someone files an EEO complaint one day, and the next day misuses a government credit card. If the supervisor takes any sort of action against the employee, back will come a complaint alleging that the action is reprisal for the EEO complaint. So the first instinct is to simply do nothing. Then you wind up with two sets of work rules – one for employees who file complaints and one for everyone else.”

So what to do? Here Mr. Corum offers some valuable guidance, looking first at the most common reasons why agencies lose reprisal or retaliation complaints, and then at some lessons that can be drawn from them. He says,

“When third parties find reprisal, they usually look at three factors:

*1. **Timing.** If a manager dawdles for five months after an employee committed a moderately serious act of misconduct, and then finally comes up with a disciplinary action the day after the employee files an EEO complaint over non-selection, there is a strong presumption of reprisal. Conversely, if an employee is reassigned two years after a whistle-blowing incident, a finding of reprisal is unlikely.*

*2. **Comparative treatment.** A supervisor takes a disciplinary action for some violation, and the employee shows that coworkers who committed the same offense were not disciplined. This is the classic ‘similarly situated’ analysis used also in EEO discrimination complaints.*

*3. **Legitimacy of the action.** Third parties often balance the likely strength of motive against the legitimacy of the action. How strongly did the supervisor likely feel about the employee’s protected activity? How does this compare with the soundness of the action itself? If the supervisor suffered a particularly embarrassing complaint, and cannot offer a good reason for some subsequent personnel action, you’re in danger of losing the case.”*

The following are some tips that Mr. Corum offers when there is a need for a personnel action in a potential reprisal situation:

*“1. **Do not back away from a legitimate action.** If you do not deal with a performance or conduct issue, you are condoning the behavior. This will only make it harder to deal with the situation later.*

*2. **Do not needlessly delay decisions.** Remember the timing factor. The longer you delay an otherwise sound personnel decision, the less legitimate it looks and the greater the chance for an employee to establish presumption of reprisal.*

*3. **Be consistent.** Your ultimate defense against any reprisal allegation is that you have treated everyone else the same way – or that you have made the same or similar decisions with employees who did not file complaints.*

*4. **Always be prepared to back up your decision with legitimate non-retaliatory reasons.** Remember: the legitimacy of the action always outweighs any possible motivation for reprisal. No matter what evidence may exist of retaliatory motive on your part, your ability to prove the legitimacy and soundness of the action will overcome any presumptions of reprisal.”*

Letters and memorandums



In the last three bulletins, we have looked at the *Leave Restriction Letter*, the *Memorandum Documenting a Meeting to Correct Conduct/Performance Problems*, and the *Performance Improvement Period (PIP) Letter*. In this issue, we will look at one more letter that you may need to prepare – a *Letter of Caution or Instruction*.

Letters of caution and instruction are both meant to serve as instructional tools. Their purpose is to deal with a problem early, before it evolves into a more serious conduct or performance issue. **Letters of caution** include (1) what the employee is doing incorrectly (the behavior or performance you want to change), (2) what improvement/change is needed to meet the required standards/expectations, and (3) the consequences if this improvement or change is not forthcoming. **Letters of instruction** are similar to letters of caution in regard to items (1) and (2), but do not include the same precise warning regarding what will happen if improvement does not occur. In both cases, however, the expectation is that the employee will take whatever actions are necessary to change their behavior or performance. The following is a *sample letter of caution*:

TO: Employee
FROM: Supervisor
SUBJECT: Letter of Caution

On (date) you were scheduled to report for duty at (time). You did not, however, report until (time), nor did you call me or (name) to indicate that you would be late. You and I subsequently discussed your late arrival, and you indicated that you were late because you could not get your car started. I told you that in the future, I would expect you to call me whenever it appeared that you would be late reporting. I also noted that this was the second time in the past month that you were tardy because you could not get your car started. I reminded you that it is your responsibility to make certain that you have reliable transportation to get to work.

On (date), you were scheduled to report to duty at (time). You did not, however, report until (time), and once again, you failed to call either me or (name) to indicate that you would be late. When I talked to you about this incident, you again blamed it on car problems.

As we have discussed, it is essential that employees report for duty on time or, if an emergency prevents them from doing so, that they let their supervisor know that they will be late. On (date) and (date), you failed to do either, resulting in (identify disruptions, complications, etc. if any).

In view of your actions, I am issuing you this letter of caution. You are advised that in the future, you will be expected to contact either me or (name) as soon as it becomes apparent to you that you will be unable to report for duty on time. You are also reminded of your responsibility to arrange for suitable transportation to ensure your timely arrival at work. Your claim that a malfunctioning vehicle prevents you from arriving on time is unacceptable. Failure to comply with these instructions will result in a recommendation for disciplinary action against you.

This letter will not be filed in your Official Personnel Folder.

Supervisor

Previous issues of the Bulletin are available at <http://www.aphis.usda.gov/mrpbbs>. Just click “Human Resources” and then “Employee Relations.” Questions, comments and ideas for future Bulletin articles can be directed to ER.Bulletin@aphis.usda.gov.



MISSING WORK – BAD EXCUSES

Kate Lorenz, the editor of CareerBuilder, recently cited a study concerning employees who fail to show up for work. The study included a list of the most unusual excuses workers gave for missing work. Here are five of our favorites:

- I was arrested as a result of mistaken identity. (This happens to our Editor all the time.)
- I forgot to come back to work after lunch. (Hey, it could happen to anyone!)
- I forgot the way to work. (Probably works only if you are a very new employee.)
- I forgot what day of the week it was. (A little calendar-challenged, perhaps?)
- I couldn't find my shoes. (We wouldn't recommend trying this one.)

THE BULLETIN BOARD



STAFF CHANGES. We have had many staff changes this quarter. They have included three departures and six arrivals – five who have joined the APHIS ER staff and one who has joined the AMS/GIPSA ER staff.

- **Departures.** **Yamira Moreno-Cruz**, APHIS ER – Raleigh, accepted a position with the EEOC. **Lucille Lorenzano**, Secretary to the APHIS ER Branch Chief, has resigned. **Mark Leking**, Branch Chief, AMS/GIPSA ER, has retired. All will be missed.
- **Additions.** **Dennis McPeters** will replace Mark Leking as Branch Chief for the AMS/GIPSA ER staff. Dennis will also serve as the Branch Chief for the Labor Relations Branch. **Ben Murphy** has joined the Minneapolis staff. Ben was formerly a member of the APHIS Classification Section staff in Minneapolis. **Anthony Santitoro** has joined the Raleigh staff. Anthony comes to us from the Postal Service. **James Ward** has also joined the Raleigh staff. James previously worked for North Carolina State University. **Randy Warren** has joined the Fort Collins staff. Randy comes to us from the Department of Interior, Bureau of Land Management. And finally, **Rudy Zuniga** joins the Riverdale staff as an HR Assistant. He was previously with the Plant Protection and Quarantine Staff in Riverdale.

DIRECTORY. Please check the Directory for the program assignments of the persons listed above. There have been many changes.

THE ETHICS CORNER

MISUSE OF GOVERNMENT TIME, EQUIPMENT, AND INFORMATION



Information regarding the misuse of Government time, equipment, and information is found in 5 CFR Part 2635, Subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch. This Subpart requires that all employees protect and conserve Government time, property, and information, and to use them economically and for official purposes only. Some specific rules are as follows:

- 1. GOVERNMENT TIME.** Employees may not (1) use official time other than in an honest effort to perform official duties or (2) encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties.
- 2. NONPUBLIC INFORMATION.** Employees may not engage in financial transactions using "insider" or nonpublic information, nor allow the improper use of such information, to further your own or another's private interest.
- 3. PENALTY/FRANKED MAIL & OFFICIAL STATIONERY.** Employees may not (1) use official government envelopes (with or without applied postage) or official letterhead stationery for personal business (this includes mailing your job applications), or (2) receive personal mail at the office.
- 4. THEFT AND EMBEZZLEMENT.** Employees may not convert government property or equipment to personal use, even temporarily on loan, nor use government purchasing authority for personal acquisitions (including their official Travel Card), even though they reimburse the Government
- 5. GOVERNMENT EQUIPMENT AND PROPERTY.** Employees may not (1) remove Government property or files upon leaving Government service, nor use Government copiers to make copies of files to take with them, or (2) use Government equipment for personal use, **except for** reasonable limited, non-commercial use which does not interfere with official duties and involves minimal office expense as set forth in appendices to Department Regulation 3300-1.
- 6. GOVERNMENT MOTOR VEHICLES OR AIRCRAFT.** Employees may not willfully use or authorize the use of a Government-owned or leased passenger motor vehicle or aircraft for other than official purposes.

SOME EXAMPLES

Example 1: Franked Envelopes. The local congregation is building a new wing on the church and is trying to raise money. The fundraising chairman sent out a solicitation for donations in official government franked envelopes that he took from the office. He has violated the franking prohibition.

Example 2: Personal Use of Government Credit Card. Harvey is on travel when he realizes that it's his wedding anniversary. His personal credit cards are already "maxed" so he uses his official government credit card to order flowers. He thinks that because he will pay the bill immediately upon his return home that there will be no problem. Harvey is incorrect. The official government credit card is only for official travel and related expenses. He may not use the card for any personal purchases, even though he is on travel at the time he makes the purchase.

TRAINING OPPORTUNITIES

Fundamentals of APHIS Human Resource Management – “Blended Learning”

Course Schedule Information for Calendar Year 2006

APHIS Probationary and New Supervisors

1st Quarter 40 Hour Classroom Portion: March 13-17, 2006
 Web Seminar Date: February 7-10, 2006
 Deadline for Application: January 9, 2006
 Location: Tucson, Arizona

2nd Quarter 40 Hour Classroom Portion: June 5-9, 2006
 Web Seminar Date: May 23-26, 2006
 Deadline for Application: April 11, 2006
 Location: Memphis, Tennessee

Team Leader Session 40 Hour Classroom Portion July 10-14, 2006
 *Aglearn Assignments and CD-Based Learning
 Deadline for Application: May 9, 2006
 Location: Riverdale, Maryland

** Team leaders and/or others with human resources and personnel management responsibilities will have first priority for this session only.*

3rd Quarter 40 Hour Classroom Portion: September 11-15, 2006
 Web Seminar Date: August 15-18, 2006
 Deadline for Application: June 7, 2006
 Location: Los Angeles, California

4th Quarter 40 Hour Classroom Portion: December 4-8, 2006
 Web Seminar Date: November 14-17, 2006
 Deadline for Application: September 12, 2006
 Location: Miami, Florida

***Training Sites:** The sites for the classroom-based training sessions may vary within each time zone (Eastern, Central, Mountain and Pacific) based on availability and costs. Please apply for the session that is most convenient given your probationary period expiration date and workflow demands. **Upon enrollment, specific information will be forwarded.**

Contact us at http://www.aphis.gov/mrpbs/training_employee_development.html to obtain an application and course information. Complete the FAHRM application, Form #601, and fax it to Tanya Briscoe, Program Assistant, at 301-734-3153 or email it to Training.Applications@aphis.usda.gov. For additional application information, please call Tanya Briscoe at 301-734-5551. For information regarding course content or for additional assistance, please contact Betsy Guardiola, FAHRM Program Manager, at 301-734-8554, or via email at Betsy.M.Guardiola@aphis.usda.gov.

In addition to the training opportunity for APHIS supervisors noted above, we encourage you to take advantage of the many other training opportunities, offered through a variety of sources, which will help you to effectively carry out your supervisory responsibilities. The training/employee development staffs in each MRP agency can help you identify such opportunities.

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FOOD FOR THOUGHT

- ✚ Don't be irreplaceable. If you can't be replaced, you can't be promoted.
- ✚ Always remember that you are unique. Just like everyone else.
- ✚ Never test the depth of the water with both feet.
- ✚ If you think that nobody cares if you're alive, try missing a couple of car payments.
- ✚ Everyone seems normal until you get to know them.
- ✚ Generally speaking, you aren't learning much when your lips are moving.
- ✚ The quickest way to double your money is to fold it in half and put it back in your pocket.
- ✚ If you tell the truth, you don't have to remember anything.
- ✚ If at first you don't succeed, skydiving is not for you.
- ✚ Before you criticize someone, you should walk a mile in their shoes. That way, when you criticize them, you're a mile away and you have their shoes.

EMPLOYEE RELATIONS DIRECTORY

APHIS

Riverdale

Kathy Welsh, *Branch Chief* (301) 734-4414
Rene Wing, Assistant to the Branch Chief (located in Fort Collins) – Veterinary Services (VS), MRPBS, Centers for Epidemiology and Animal Health, and all other HQ programs not serviced by Oris Brown, (970) 494-7416
Rudy Zuniga, HR Assistant (301) 734-4414
Oris Brown, ERS – Plant Protection & Quarantine (PPQ), Animal Care (AC), and Regulatory Services in Headquarters (301) 734-4992
FAX: (301) 734-6351

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Milo Christianson, ERS - MRPBS-Minneapolis, Wildlife Services (WS), Customer Training, Special Projects, MSPB Assistance (612) 336-3215
Linda Hatfield, ER Assistant - National Agency Checks/Inquiries (NACI) (612) 336-3292
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Vacant, Administrative Assistant
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Keela Harris, ER Assistant (202) 720-1055
Kimberly Meyer-Chambers, ERS – GIPSA, Transportation & Marketing (202) 720-9455
Mary Royster, ERS - MRP Ethics Advisor (Financial Disclosures, Outside Employment, Conflicts of Interest) (202) 720-9858
Kelly Spence, ERS – Cotton, Dairy, Poultry, Science & Technology (202) 720-5721
Jason Thomas, ERS – Fruit & Vegetables, Livestock & Seed (202) 690-3011
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